

A *J. Harris - Opn.*

S T A T E
O F
F A C T S,

RELATIVE TO
WILLIAM BLACK,
STUDENT OF MEDICINE.

*Indignum est in ea civitate, quæ legibus continetur, discedi
a legibus.*

Multis minatur, qui uni facit injuriam.

BACON, LORD VERULAM.



Printed in the Year MDCCLXX.

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STATE of FACTS, &c.

SOME late proceedings and resolutions of the Professors of Medicine, in the University of Edinburgh, being both disagreeable and distressing to some of the students, the following advertisement was put up on the college gate.

“ WHEREAS the Professors of Medicine in
 “ the University of Edinburgh, have of late
 “ been guilty of partiality and injustice to
 “ certain Students; particularly to one of
 “ three years standing, whom they refused to
 “ examine for his degree, on account of omit-
 “ ting a certain form; at the same time per-
 “ mitting several others, liable to the same or
 “ greater objections in that respect, to answer;
 “ and also, two of only a year and half’s
 “ standing: And on application being made to
 “ the Principal, by the said gentleman, to in-
 “ terpose his authority with the Professors,—he
 “ not only refused to do so, but declared he
 “ had no more power over them than a private
 “ person. We must not here omit doing Dr
 “ Cullen the justice to acknowledge, that he
 “ alone opposed the Professors in the above
 “ measures.

“ And whereas, the Principal and Professors
 “ are endeavouring to establish some mercenary
 “ and

“ and oppressive regulations, relative to graduation ———

“ We therefore, the undernamed Students
 “ of Medicine, justly alarmed at such proceedings,
 “ have come to a resolution to insist on the
 “ original statutes of the University being publicly read, as is the annual custom in all other
 “ Universities, that the power of the Professors,
 “ and the rights and privileges of the Students,
 “ may be fully ascertained: Being firmly resolved,
 “ to the utmost of our abilities, to support the latter,
 “ against any unjust encroachments, or arbitrary rules of the former.

“ To effect this laudable design, we expect
 “ the co-operation of the Students of this University;
 “ and, for this purpose, a meeting will be held at Mr Summer's Vintner, this
 “ evening at six o'clock.”

Thursday,
 Nov. 15. 1770.

WILL. BLACK.
 SAM. EVANS.
 TIM. KIRBY.
 WILL. BARRET.

The Professors, considering the above advertisement as an unpardonable insult, by calling in question the infallibility of their decrees, thought proper to read a paper in each of their classes; in which they informed the students, that they had repealed part of the regulations complained of in the advertisement; but, in the case referred to, attempted, (I can't help saying, in a magisterial stile,) to justify their behaviour; and, not content with repeatedly refusing me the common privileges of other students,

students, with no small art and zeal, represented the whole complaint as false and groundless. I offered, in class, to prove the truth of the assertions in the advertisement; but the Professors, acting both as accusers and judges, refused me that liberty: I am, therefore, obliged to take this method of vindicating my conduct.

I shall, in as concise a manner as possible, *and the answers of the Professors* relate a state of the facts, to the truth of which I am ready to make oath; nor should I, (tho' I were qualified,) attempt to add any embellishment to this narration, as I shall regard facts more than words, and perspicuity more than ornament; desiring nothing more of the reader, than to hear both parties equally, and to form his opinion agreeable to justice.

I am almost afraid, that the gravity and influence of my learned adversaries, will be sufficient to bear down all opposition; however, though I should prove unequal to the task I have undertaken, yet I shall never repent of the motives: A mariner, who has escaped a rock, will think it incumbent on him to warn others of the danger; and a person injured has a right to complain, and to lay the fault on the aggressors.

I am obliged, in the following case, to find fault with men, for whose genius, abilities, and learning I have the greatest respect: The Professors however are men, and as such liable sometimes to act wrong.

Should I be silent on what I think I justly merited, and, in the acquiring of which, I can,

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at least, flatter myself with having used my best abilities; I say, should I be silent on this subject, it would be thought that I could not refute the reproaches of the Professors; whatever, therefore, the necessity of my own defence may extort from me, this ought, in justice, to be imputed to the aggressors, who voluntarily imposed that necessity upon me. I must also make the same apology to the gentlemen whose names I shall mention.

On the 30th of May last, I went to Dr Monro, told him, I wanted to be examined for my degree; that, not having attended the professor of Materia Medica here, I would see and attend the class the following winter, and graduate in June 1771. I would then have been four years in this college, and have had attended all the medical classes; some of them repeatedly; and likewise some superfluous ones, I mean, with regard to the regulations of the Professors, such as midwifery, natural philosophy, and the clinical lectures. I told Dr Monro, that I was perfectly satisfied to be examined in Materia Medica, having been three years in a surgeon's shop, and had a complete copy of Dr Home's lectures, which I had carefully read, then in my possession; and I added, that in case I did not answer to their satisfaction in that branch, they might reject me. Notwithstanding all this, Dr Monro told me, that as I had not attended the Materia Medica class, I could not be admitted.

A few days after, I applied to Dr Cullen, who
promised

promised me he would use his interest with the Professors to obtain my request; telling me, that he did not imagine they would refuse me, as he got Mr Currie admitted a few days before, who had never attended Botany. I solemnly declare, that Dr Cullen was the first that ever informed me of that circumstance; and when I returned home, I informed Mr Evans of it, who said, it was lucky that I had applied to the Doctor, otherways I should have been ignorant of that particular case; (and, to the best of my recollection, it was four days before I applied to Dr Monro, that Mr Currie had answered.) Dr Cullen also told me, that several gentlemen were to be examined that week; that however he would speak to the Professors separately next morning, and move the matter at the next meeting. But a day or two after this, I heard that Mr Walker, who had never attended Botany, had answered the last day of April, which was some weeks before the class began, and that he had either taken a ticket for it, or had promised to take out one on its commencement.

Further, Mr Dove, of eighteen months standing, answered about the beginning of the Botany class, which he had never before attended. Several other gentlemen, who had never attended Botany, answered at the same time; it is unnecessary to mention their names.

And Mr Stuart answered in March, and graduated in June, but never attended Botany before or since. None of these gentlemen could be expected to answer in Botany, which they had

had never studied; and as I offered to answer in *Materia Medica*, which I had studied, I thought myself at least as well entitled to an examination as they were: And I cannot avoid remarking, that most of the Professors, especially Dr Monroe, and Dr Hope, told me, they were convinced, from my careful and diligent attendance on the classes, that I could answer as well, if not better, than many who were shortly to graduate.

Upon my second application to Dr Cullen, he informed me, that the Professors were against him, and seemed displeased and surprised at it; however he voluntarily promised to move the matter again; saying, that they were guilty of a greater blunder, a few weeks before, in admitting Mr —, a gentleman of my acquaintance, who was only of eighteen months standing, and who had not, at that time, finished his first course of practice, and that, for his part, he had opposed it: He also said, that as to the *Materia Medica* class, several gentlemen had indeed made a *form* of it, by taking out tickets near the latter end of the course, in order to qualify them to answer for their degree. He told me, that he spoke to Dr Black about me, asked him if he knew me; and that he had replied, he knew nothing about me. Upon which Dr Cullen said, he thought he ought to have made it his business to have known me. I hinted to Dr Cullen, that I imagined Dr Monroe was against me; he said that Dr Monroe was a little hasty in his temper, but that on his last speaking to him about it, he

he seemed more convinced of the reasonableness of my request, and imagined he might be brought to comply.

On my third visit to Dr Cullen, he told me, that the Professors were still obstinate; that he told them they were doing wrong, and bade them mark the consequence: he added, that he had done all in his power for me, and had made use of all the arguments he could think of, to assist me, and that I must myself consider what course was most proper to be taken. These were his very words. I replied, that I would go to the Principal about it: He bade me do so, but not to say that he sent me. At the same time he desired me to go round to the Professors, and try them separately, telling me, that Mr Currie's and Mr Walker's cases were what I had chiefly to insist on to each; and that he did not see how they could refuse me, after admitting them. Upon this I went to Dr Monroe, Dr Black, Dr Hope, and Dr Home, but without effect. It is scarcely necessary to mention their answers. Dr Hope told me, that he would vote with the majority; but on expostulating with him, and desiring to know his opinion, he said it was against me.

I should have remarked, that, on my first application to Dr Monroe, he told me, that a gentleman, who I knew had not attended three of the medical classes, had lately applied to be examined, but that he could not be admitted to trial: This was a further incentive to me to urge my examination; as I had imagined, that such applications were always kept secret by

the Professors; and having also known such refusals, when made public, to hurt gentlemen's characters, as they were often misconstrued, and thought to proceed from their inability to answer. — I cannot here avoid taking notice, likewise, of the different and contradictory answers I received from the Professors, relative to the gentlemen who had been examined. Some of them pretended ignorance. Dr Home was so polite as to tell me, that my assertion, with regard to Mr Walker's having answered before the Botany class began, was false; tho' it can be incontestibly proved. He likewise said, it was unknown to the Professors, that Mr Stuart had not attended Botany, till after his first examination; I answered, that I thought it very strange, that such a particular circumstance should escape their notice, as they were so scrupulously nice with regard to me. Dr Cullen told Mr Barret, since the advertisement was put up, that Mr Stuart had attended that class in Aberdeen; although, by the following letter from Dr Donaldson, Professor of Medicine in that university, it would appear, that was impossible.

“ S I R, Aberdeen, 23d Nov. 1770.

“ I have your letter of 18th, desiring me to
“ inform you, whether there is a Botany class
“ taught in this place?

“ Botany is not taught in the university
“ here, to which I belong; neither is there any

“ p11-

"private class for Botany in this place that I know of. I am, Sir, &c.

ALEX. DONALDSON.

"To Mr James Millar."

At last despairing of success, and being called off by other business, I went to Dr Home, and told him, that since they would not permit me to answer at that time, I desired they would give me an opportunity of doing it on the commencement of the ensuing winter's session, immediately on my taking out a ticket for Materia Medica. This, he told me next day, the Professors had agreed to; saying, (as I was coming out of the door,) that they had been thinking of examining me by a committee, but he did not know how that would have done.

About a month after, I heard it was reported that I had gone in for my degree, or been under examination, which report could never have arisen from me, having never communicated my intention to any person but Mr Evans; and as I had occasion to go out of town, I feared such a report might have been misconstrued to my disadvantage, as has happened to others in similar cases, and even to myself, as will afterwards appear; and also, as some gentlemen were particularly inquisitive about me. I therefore applied again to Dr Home, telling him, that for the above reasons, which I had mentioned to him on my first application, I requested they would examine me. In his answer, next day, he told me that the Faculty would

would not agree to it. On which I went to the Principal, who told me he had not heard my story, but that he could not be of any service to me, as he had no more power over the Professors of Medicine than a private person, and could only speak to them as such, which he promised to do when he had an opportunity; but he never let me know that he spoke to them about me, tho' I repeatedly solicited him.

A short time after this, it was reported, that I had been examined for my degree, and rejected as not being able to answer. I had then reason to complain of the Professors, whose treatment had exposed me to this report; and to rejoice that I had not gone out of town, as it would have been impossible (had this report long subsisted) to have effectually contradicted it. Even many of my acquaintances hearing that I had made application to the Professors, thought there could be no other objection to me, but incapacity to answer; as they imagined, from my insisting on my examination, that perhaps I had not been able to answer such questions as the Professors might put to me, and therefore did not chuse to acquaint me of it; and had it not been for the kindness of one gentleman, I should probably still lie under that imputation.

Upon being informed of it, I wrote to five of the Professors for certificates that I was never examined by them, which they sent me; but did not even then make any offer to admit
me.

me to examination, in order to wipe off so prejudicial an aspersions; tho' they knew my character was at stake, and could not otherwise be effectually cleared: for tho' their certificates might be sufficient to satisfy my friends, yet it was out of my power to shew them to many who had heard the report.

As Dr. Cullen has (it seems) forgot, and contradicted almost every circumstance that passed between him and me relative to this affair, I think it very fortunate for me, that Mr Evans was privy to the whole, from my first application to Dr Monro. I always consulted him before I went to the Professors, and immediately on my return acquainted him with every particular circumstance. That I constantly told Mr Evans the discourse that passed between the Professors and me, and that it is the same which I have here asserted, will appear by his attestation annexed to the case; altho' in a late conference that Mr Evans and I had with Dr Cullen, the Doctor seemed to have forgot, and denied almost every particular before-mentioned, relative to his discourse with me. I would not however be understood to say, that Dr Cullen intentionally denies any of the circumstances I have here affirmed. He is a person for whom I had the greatest veneration; but his hurry of business might perhaps have prevented him, from recollecting many circumstances, which must have made a much stronger impression on me, as being more interested in them.

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"I certify, That I was privy to the whole
 "affair relative to Mr Black from his first ap-
 "plication to Dr Monro; I always knew of
 "Mr Black's going to the Professors; and im-
 "mediately on his return, he acquainted me
 "with the discourse which he said passed be-
 "tween the Professors and him; and I hereby
 "declare, and am ready to make oath, that
 "what he then told me, is exactly the same, that
 "he has related in the above case.

SAM. EVANS."

Having thus given a full and fair account of
 the whole circumstances attending my applica-
 tion to the Professors, and their refusal to admit
 me to trial; I shall now conclude with shewing,
 that such refusal was inconsistent with, and
 unauthorized by the statutes of the University
 in force at the time, as well as with their own
 practice in other cases, less favourable than
 mine; and that the paper which they read in
 their classes on this subject, was erroneous both
 in point of fact and argument.

At the time of my application in May last,
 the statutes or rules of the University, respect-
 ing the trials of candidates for the degree of
 doctor of medicine, were publicly hung up in
 the Library for the perusal of students. Those
 statutes contain various regulations, regarding
 the dissertations to be published and defended
 by the candidates, &c. but only two of them
 relate to the present case, viz. the second statute
 or rule, and the fifth, which regulate the na-
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ture and conditions of the first and second private trials, which the candidates must undergo before the public disputation, &c.

The second rule which relates to the first of those private trials, is in these words,---“ Tribus saltem mensibus ante dies prædictos, (i. e. 12mo. Junii, et 12mo. Septembris) quicumque honores medicinæ ambiverit; consilium suum facultatis medicæ decano aperiat, ut facultas questione privatim habita, de profectu ejus in literis præcipue medicinæ studio certior fiat antequam ad ulteriora peritiæ tentamina eum admittat.”

Such are the words of the statute concerning the first trial, which was the one I demanded to be put upon; but was refused. From thence, it appears, that no conditions are thereby annexed to the admission on this trial. Nothing is said of its being requisite that the candidate should have attended certain classes before it, and the statute being silent as to this, as well as any other condition, it follows that no person who applies for admission to such trial, can be refused. It is enough that he thinks himself qualified to answer the questions put to him upon trial; and if then he shall be found qualified, he is entitled to proceed to his other trials.

Sensible that the statutes, as they stood at the time, could not affect my case, it is now said, that besides the public rules, the Professors had a private rule laid down among themselves,

selves, importing that no persons who had not attended the six medical classes, or cannot bring a certificate from the Library of his having attended them, shall be admitted to his first trial; and in the copy of the statutes affixed in the Library, there has lately appeared an additional one, inserted as the second rule, and so made to stand before the one I have already recited, which is in these words,

“ Nemo in candidatorum numerum ascribi
 “ potest, priusquam studiorum cursum in om-
 “ nibus quas scientia Medica complectitur dis-
 “ ciplinis, vel in hac, vel in alia Academia
 “ penitus absolverit.”

But it must be obvious to the apprehension of all mankind, that my case could not be affected by any pretended rules that were kept private, and were unknown to the students in general and me in particular. Neither had the Professors authority to make such a rule (if it did in fact exist at the time) as the approbation of the heads of the University is requisite to establish such rules. The only statutes having the sanction of it, and published in the Library for observance, were those I have mentioned, which contain no regulation of that kind; and consequently this pretended private rule could never justly affect me, and appears to have been disregarded by the Professors themselves, from their admitting so many other gentlemen to trial, who had as little complied with it, and even less than I had done.

And

And as to the new additional rule above-mentioned, which now is inserted in the public statutes, it must have been devised, to give some countenance to what the Professors had already done in my case, tho' it can never avail them, in that respect; as it is notorious, that this additional rule never made its appearance, till the day after the advertisement was put up; at the distance of many months after the proceedings on my case were over.

I must likewise observe, that this first trial to which I was thus clearly intitled to be admitted, has been always regarded as the most material of the whole. After it is over, candidates publicly declared that they have passed or answered for their degree, and it is believed not a single instance has ever occurred where a candidate has been rejected after passing it.

Again the fifth statute, which relates to the second private trial is in these words;—"Sex-
" to die mensis Maii vel Augusti, candidatus
" coram Facultate Medica a duobus Professori-
" bus interrogatus, progressum suum in Anato-
" mia, Chemia, Arte Medicamentaria, Bota-
" nice, et Materia Medica, vel quacunque
" Medicinæ parte quæ iis placuerit, ostendat.

This statute appoints two Professors to examine the candidate upon his knowledge in Anatomy, Chemistry, Botany, Materia Medica, Practice of Physic, or any other branch of medicine that they think fit; but it makes no condition as to the candidate's having attended any particular classes in these branches,

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nor any distinction as to the manner of having attained the knowledge of them. It is sufficient to entitle him to pass his trial, that he is found knowing and qualified in such branches; and as I was ready and qualified to answer in all of them, the refusing me leave to do so, can receive no authority or justification from this statute, and was alike adverse to the principles of reason and justice, as to the practice in such cases. It will be observed too, that the days fixed by the statute for this second trial, are in May for the June graduation, and in August for the September one. Now, as I only intended to take my degree in June 1771, my second trial would not come on till May next, before which time I would have attended the Materia Medica class, so that this rule could never have affected me, even if it had contained any condition as to such attendance, which it does not.

My application, and the refusal given me, entirely related to the first trial, for which no precise day is fixed by the statutes; and this second trial is very different from it, as it is held in the Library, and its taking place is never kept secret like the first one.

Having thus proved, it is hoped, to the reader's entire satisfaction, that the Professors refusing to admit me to the first trial was unwarranted by the statutes of the University, and even contrary to them, and inconsistent with the practice in such cases; it remains only for me to take notice of the most material parts
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of the paper read on this occasion by the Professors.

A copy of this paper was twice demanded of them; but after taking 24 hours to consider of that demand, they were pleased to refuse to comply with it; I can therefore only notice the substance of it, according to my memory, and the remembrance of those who heard it read; and if I should be mistaken or misinformed as to any part of it, the Professors themselves, and not I, are answerable for it.

1. The Professors said, that tho' from a gentleman's long standing they might presume him to be better qualified to answer, yet it is far from proving him so. The Professors seem by their actions to contradict their own assertion, for they examined two gentlemen of only eighteen months standing, consequently presumed them better qualified than me of three years standing, to whom they refused the same privilege; tho' the presumption, even by their own confession, was in my favour.

2. They said that by virtue of the ticket in my pocket, I thought myself qualified to answer. It seems, this was their own opinion of it; for they promised to let me answer this winter as soon as I should take out a ticket for the Materia Medica class; at which time they could not presume that I would be better prepared, than at my first application: And does it not plainly appear, that they thought the gentlemen whom they admitted to an examination, before and at the commencement of the

the Botany class, were entitled to answer by virtue of tickets in their pockets, or even by virtue of a promise to take them out.

I cannot help being surpris'd that the Professors should have forgot so material a circumstance as my having been in a surgeon's shop, when they declare that I never studied *Materia Medica*: surely every one but little conversant in physic knows that three years in a surgeon's shop affords more instruction, than three, or even six years attendance on this class at an University; and even their answers to me at my first application shewed that they were convinced of my capacity. Since this particular part of my case escaped their memory, I do not at all wonder at their forgetting many other material circumstances.

3. They seem'd offended at the word *FORM*, in the advertisement. It is plain that the *Materia Medica* class, as well as the Botany, has often, and even very lately, been made a form of; as some gentlemen who graduated last summer, scarcely attended half of Dr Hope's last course of *Materia Medica*, the Doctor being taken ill soon after Christmas, and oblig'd to discontinue his lectures for that season; nor did they ever attend it elsewhere. Dr Cullen's words before-mentioned, further confirm this assertion.

4. The Professors said, That no person in the same situation with me was permitted to answer, and therefore, that my complaint was unjust. But I have endeavour'd to shew, that
several

several whom they admitted, were liable to equal objections, in point of form ; (even one of them never afterwards complied with that form) and greater in point of qualification ; they being unacquainted with Botany, which is one of the fix medical classes, as much as Materia Medica is.

5. The Professors said, that I acquiesced with them, in deferring my examination till winter. But, it is evident from their repeated refusals, that I could not do otherwise. And as the objection to me was entirely formal, and as it subjected me to many inconveniencies, and was dispensed with in respect of other gentlemen, I could not but complain of partiality.

6. Dr Cullen asserted in his class, that he had not seen me for six months ; whereas, he spake to Mr Evans and me between the Meadows and his own country house, about the latter end of last August. I met him several times in the street ; and stood at the back of one of the candidates, who sat opposite the Doctor the last September graduation. But as the Doctor had told me, that he had done all in his power for me, I thought that any further application to him, would only have put him to unnecessary trouble. I must however own, I am much surpris'd at Dr Cullen's forgetting what pass'd between him and me ; and may very properly express myself in the following words ;

Hei mihi, qualis erat, quantum mutatus ab illo!

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7. The Professors said, that they thought the Principal's character might have secured him from any aspersion. They seem to be at a loss for sufficient cause of complaint against me. I, as much as any Professor, revere the Principal's function and character. I have only told the truth; nor did any of them contradict it. Therefore, as it now appears, that the Principal had it not in his power to act otherwise, the advertisement does not in the least reflect on him.

8. I must say, it was very extraordinary for the Professors, to pretend to anticipate and declare the sense of the students with regard to the advertisement, as, at that time, very few of the students were acquainted with the particulars of my case: And, I flatter myself, that no person would form an opinion, before he had heard the arguments on both sides. At the same time, the Professors mentioned that they had repealed part of the grievances complained of in the advertisement; can any circumstance more strongly shew, that even themselves allowed part of the complaint was just?

Necessity having so far compelled me to speak a little severely of the Professors; let it not be understood, that I desire, or mean to say, that they, in general, behave improperly to students. Bodies politic, (like the human body,) are prone to diseases; and even the best men are liable to err: But, as I have been a sufferer by such error, I must be excused for shewing, that the fault did not lie on my side;
that

that my request was agreeable to the then established rules of the University; and that the refusal of it was equally repugnant to these rules, as to reason and practice.

I shall shortly conclude, in the words of one of the Professors, respecting the foregoing case, and, I flatter myself, with as much propriety, viz. "If I have been well used, I leave to others to determine."

I shall now take my leave of the Professors. As I do neither propose to attend their lectures, nor graduate here, it is probable we shall not have any new subject for dispute. It is against my inclination that I now appear in print. Self-defence alone compels me; nor shall any other motive hereafter induce me.

F I N I S.



ERRATA.

Page 5. l. 10. after the word facts, *read* and the answers of the Professors, to the truth of which last I am ready to make oath.